

United States International Trade Commission  
Washington, D.C. 20436

\_\_\_\_\_) )  
In the Matter of: ) )  
\_\_\_\_\_) )  
CERTAIN COMPACT ) Investigation No. 337-TA-416  
MULTIPURPOSE TOOLS )  
\_\_\_\_\_) )

**GENERAL EXCLUSION ORDER**

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain compact multipurpose tools that infringe the claims of the following U.S. design patents: U.S. Letters Patent Des. 385,168, entitled "Scissors," issued on October 21, 1997; U.S. Letters Patent Des. 385,169, entitled "Folding Scissors," issued on October 21, 1997; U.S. Letters Patent Des. 385,170, entitled "Folding Scissors," issued on October 21, 1997; and U.S. Letters Patent Des. 380,362, entitled "Scissors," issued on July 1, 1997.

Having reviewed the record in this investigation, including the recommended determination of the presiding administrative law judge on remedy and bonding and the written submissions of the parties, the Commission has determined that a general exclusion order is the appropriate remedy under section 337(d)(2) (19 U.S.C. § 1337(d)(2)). The Commission also has determined that the statutory public interest factors enumerated in section 337(d)(1) (19 U.S.C. § 1337(d)(1)) do not preclude such relief and that the bond during the Presidential review period under section 337(j) (19 U.S.C. § 1337(j)) should be 100 percent of the imported articles' entered value.

Accordingly, the Commission hereby ORDERS that:

1. Compact multipurpose tools covered by the claims of U.S. Letters Patents Des. 385,168, Des. 385,169, Des. 385,170, or Des. 380,362 are excluded from entry for consumption, entry for consumption from a foreign-trade zone, and withdrawal from warehouse for consumption for the remaining terms of those patents, except under license of the patent owner as provided by law.

2. Notwithstanding paragraph 1 of this Order, the aforesaid compact multipurpose tools are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, and withdrawal from warehouse for consumption, under bond in the amount of 100 percent of the entered value of such articles, from the day after this Order is received by the President, pursuant to section 337(j)(1) of the Tariff Act of 1930 as amended (19 U.S.C. § 1337(j)(1)), until such time as the President notifies the Commission that he approves or disapproves this action, but not later than 60 days after the President receives this Order.

3. In accordance with section 337(l) of the Tariff Act (19 U.S.C. § 1337(l)) the provisions of this Order shall not apply to compact multipurpose tools imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

4. The Commission may modify this Order in accordance with the procedure set forth in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

5. The Commission Secretary shall serve copies of this Order upon each party of record to this investigation, and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

6. Notice of this Order shall be published in the *Federal Register* pursuant to section 337(j)(1)(A) of the Tariff Act (19 U.S.C. § 1337(j)(1)(A)) and section 210.49(b) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.49(b)).

By order of the Commission.

Donna R. Koehnke  
Secretary

Issued: August 30, 1999